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DATE: February 4, 2003

TO: EXAMINER SANDRA WEGERT

FACSIMILE NO.: 703/308-4242

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RE: SN 09/897,000

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Applicant(s): Ferree

Docket No.

BAF-11302/29

Serial No.
09/897,000Filing Date
July 2, 2001Examiner
S. WegertGroup Art Unit
1647**Invention: METHOD OF TREATING DISC HERNIATION AND DISC DEGENERATION WITH CONCENTRATED GROWTH AND DIFFERENTIATION FACTORS**I hereby certify that this Response to Restriction Requirement*(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703/308-4242)on Feb. 4, 2003
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2-13-03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re application of: Ferree

Serial No.: 09/897,000

Group No.: 1647

Filed: July 2, 2001

Examiner: S. Wegert

For: METHOD OF TREATING DISC HERNIATION AND DISC DEGENERATION WITH CONCENTRATED GROWTH AND DIFFERENTIATION FACTORS

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENTAssistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed January 14, 2003, referring to an earlier Restriction Requirement mailed October 1, 2002, Applicant hereby elects the species of "O" (BMP-1) for further prosecution of the above-referenced application. Applicant also makes the following amendments to the claims:

IN THE CLAIMS:*Please replace current claim 5 with the following:*

B1 5. (Amended) The method of claim 1, wherein the factor injected into the spinal canal or disc is a transforming growth factor.

Please add new claims 6-7 as follows:

6. The method of claim 1, wherein the factor injected into the spinal canal or disc is an interlukin.

B2 7. The method of claim 1, wherein the factor injected into the spinal canal or disc is a bone morphogenic protein.